

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA

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v.

No. 1:23-CR-00075-RP

(1) RUBBER RIOS GUERRA,

Defendant

ORDER

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I have considered the evidence and proffers presented during the hearing, the pleadings on file, the recommendation of Pretrial Services, and the four factors set out in the Bail Reform Act, 18 U.S.C. § 3142(g). In light of all of this, I find that the record establishes (1) by a preponderance of the evidence that no combination of conditions will reasonably assure the defendant's presence as required, and (2) by clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person and the community.

The reasons for my decision include, in particular:

- the nature and circumstances of the offense charged, in particular, human trafficking accomplished by, among other things, threats of violence;
- the weight of the evidence against the person, including multiple victim statements and corroborating evidence;
- the history and characteristics of the person, including his extensive ties to individuals in a foreign country (Cuba), evidence of his ties to an extensive human-trafficking network, his access to bulk cash and false identifications, and that, at the time of the current offense or arrest, the

person was on probation, on parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under Federal, State, or local law; and

- the nature and seriousness of the danger to any person or the community that would be posed by the person's release, in particular, evidence of his possession of a firearm, evidence of his use of physical and sexual violence against victims, evidence that he has threatened violence numerous times by brandishing a firearm, a knife, and threatening retaliation against victims' families.

This record establishes (1) by a preponderance of the evidence that no combination of conditions will reasonably assure the defendant's presence as required, and (2) by clear and convincing evidence that that no condition or combination of conditions will reasonably assure the safety of any other person and the community.

DIRECTIONS REGARDING DETENTION

Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SIGNED September 15, 2023.



DUSTIN M. HOWELL
UNITED STATES MAGISTRATE JUDGE